

DE 98-124

NORTHERN UTILITIES, INC.

**Gas Restructuring
To Address Unbundling and Competition in the Gas Industry**

**Order Granting Motion for Protective
and Confidential Treatment**

O R D E R N O. 23,848

November 29, 2001

I. PROCEDURAL HISTORY

On November 21, 2001, Northern Utilities, Inc. (Northern), a public utility engaged in the business of distributing natural gas in New Hampshire, filed with the New Hampshire Public Utilities Commission (Commission) its proposed Peaking Service Demand Charge and supporting information. Also on November 21, 2001, Northern filed a Motion for Protective Order and Confidential Treatment (Motion) in which it requested confidential treatment of certain information, pursuant to RSA 91-A:5,IV, Puc 204.06.

The Motion requests confidential treatment of Peaking Service Demand Charge information, which is also contained in contracts between Northern and its winter service wholesale suppliers regarding pricing and gas volumes.

In its Motion, Northern states that: (1) The information relates to terms pursuant to which Northern acquires certain of its peaking supplies; (2) Release of this information would likely result in competitive disadvantage for Northern in

the form of less advantageous or more expensive gas supply contracts; and (3) Northern does not disclose this information to the public, has taken measures to prevent dissemination of the information in the ordinary course of business and maintains this information in confidence.

II. COMMISSION ANALYSIS

In Order No. 23,652 (March 15, 2001), this Commission determined the reasonableness of charging fees for certain services. Commission Order No. 23,823 (November 1, 2001) set forth approved calculation methodologies for the fees for those services. Subsequently, Northern discovered it had omitted filing for approval of a Peaking Demand Charge, as allowed by the Model Delivery Tariff approved in Order No. 23,652, and filed supporting documentation for the charge and relevant annotated tariff pages.

We recognize that the Peaking Service Demand Charge supporting information identified above is important to tracking the development of competition in the gas industry. In order to monitor the development of competition, and the reasonableness of the fees proposed, this Commission required Northern to track its costs for the services and its participation in those services competitively priced. (Order No. 23,823, at p. 8)

We also recognize that the Peaking Service Demand Charge supporting information contained in the filing is

sensitive commercial information in a competitive market. Thus, based on Northern's representations, under the balancing test we have applied in prior cases, e.g., Re NET (Auditel), 80 NHPUC 437 (1995), Re Eastern Utilities Associates, 76 NHPUC 236 (1991), and EnergyNorth Natural Gas, Inc., Order No. 23,559, Docket DG 00-193 (September 25, 2000), we find that the benefits to Northern of non-disclosure in this case outweigh the benefits to the public of disclosure. The information, therefore, is exempt from public disclosure pursuant to RSA 91-A:5,IV and N.H. Admin. Rules, Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that the Motion for Protective Order and Confidential Treatment of Northern Utilities, Inc., as it relates to the Peaking Service Demand Charge supporting information, as described above, is GRANTED; and it is

FURTHER ORDERED, that in future filings, Northern shall continue to submit, concurrent with its request for confidential treatment, both redacted and unredacted filings which the Commission shall protect from disclosure during the pendency of its review of the request for confidentiality, pursuant to N.H. Admin. Rules, Puc 204.06; and it is

FURTHER ORDERED, that protective treatment of this information shall extend to its inclusion in any discovery, testimony, argument or briefing submitted in this docket; and it

is

FURTHER ORDERED, that this Order is subject to the ongoing authority of the Commission, on its own motion or on the motion of Staff or any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should circumstances so warrant.

By order of the Public Utilities Commission of New Hampshire this twenty-ninth day of November, 2001.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary